

# EXHIBIT C

***REDACTED***

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CYNTHIA RUSSO, LISA BULLARD, )  
RICARDO GONZALES, INTERNATIONAL )  
BROTHERHOOD OF ELECTRICAL WORKERS )  
LOCAL 38 HEALTH AND WELFARE FUND, )  
INTERNATIONAL UNION OF OPERATING )  
ENGINEERS LOCAL 295-295C WELFARE )  
FUND, AND STEAMFITTERS FUND LOCAL )  
439, on Behalf of Themselves and )  
All Others Similarly Situated, )  
Plaintiffs, )  
vs. ) Case No.  
WALGREEN CO., ) 17-cv-2246  
Defendant. )  
-----)

VIDEO-RECORDED REMOTE DEPOSITION OF  
LYNETTE HILTON, Ph.D.  
Tuesday, January 17, 2023  
Volume I

\*\*\* CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER \*\*\*  
Reported by:  
CARLA SOARES  
CSR No. 5908  
Job No. 5645367  
Pages 1 - 347

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VIDEO-RECORDED REMOTE DEPOSITION OF  
LYNETTE HILTON, Ph.D., Volume I, taken on behalf of  
Defendants, beginning at 9:07 a.m., and ending at  
7:29 p.m., on Tuesday, January 17, 2023, before  
CARLA SOARES, Certified Shorthand Reporter No. 5908.

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1 provided through these relevant PBMs? 17:20:59

2 I think you said employers were one,  
3 correct?

4 MR. ALEXANDER: Objection to form.

5 THE WITNESS: I said if they weren't 17:21:02  
6 specifically excluded, then they would be included.

7 But unions would be another entity, or -- for  
8 example, the fund plaintiffs.

9 BY MR. LEIB:

10 Q Union funds, correct? 17:21:06

11 A Exactly.

12 Q Third-party administrators, would they be  
13 included?

14 A As long as they're not excluded below.

15 MR. ALEXANDER: Objection to form. 17:21:09

16 THE WITNESS: Sorry, Carey.

17 MR. ALEXANDER: That's okay.

18 BY MR. LEIB:

19 Q And HMOs?

20 MR. ALEXANDER: Same objection. 17:21:11

21 THE WITNESS: As long as they're not  
22 excluded below.

23 BY MR. LEIB:

24 Q Do you know -- do you know the difference  
25 between a self-funded plan and a wholly insured 17:21:13

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1 plan?

17:21:15

2 A I have a vague understanding.

3 Q Do you have an understanding whether

4 wholly insured plans would be included within the

5 definition?

17:21:17

6 MR. ALEXANDER: Objection to form.

7 THE WITNESS: It's my understanding, as

8 long as they're not excluded in the exclusions

9 below, that they would be included.

10 MR. LEIB: Let's look at

17:21:20

11 Dr. Schafermeyer's report. Have we put that into

12 evidence yet? I don't believe so. So Tab K, 519.

13 Exhibit 519.

14 (Exhibit 519 was marked for identification

15 and is attached hereto.)

17:21:24

16 MR. WOROBIJ: Exhibit 519 marked.

17 BY MR. LEIB:

18 Q I want to point you to page 2 -- and we

19 can put that on the screen -- of the report.

20 Can we share that on the screen, John?

17:21:27

21 There we go.

22 Do you see that Footnote 2 on page 2? At

23 the bottom of the page, Footnote 2? Tell me when

24 you're there.

25 A I'm there.

17:21:31

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1 generic prescription drugs from Walgreens? 17:22:12

2 MR. ALEXANDER: Objection to form.

3 THE WITNESS: For example, the PBM could  
4 pay Walgreens for a prescription, and the TPP would  
5 reimburse the PBM for that amount. 17:22:15

6 BY MR. LEIB:

7 Q Is that a real-world situation that  
8 occurs?

9 MR. ALEXANDER: Objection to form.

10 THE WITNESS: It is my understanding that 17:22:18  
11 that can occur, yes.

12 BY MR. LEIB:

13 Q In what situations can that occur?

14 MR. ALEXANDER: Objection to form.  
15 Objection to scope. 17:22:21

16 THE WITNESS: The example that I just gave  
17 where a PBM would be paying the pharmacy, and then  
18 the TPP would be paying the PBM.

19 BY MR. LEIB:

20 Q Do you know the terms "spread pricing" and 17:22:24  
21 "pass-through pricing"?

22 A I have heard those terms, yes.

23 Q Are you referring -- in your example, are  
24 you referring to one of those situations?

25 A I wasn't intending to. I suppose that 17:22:28

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1 | that could arise in that situation. 17:22:29

2 Q The TPP -- and we'll get to this a little  
3 bit later, I think, in more detail -- but the TPP  
4 pays the PBM according to the contract the TPP has  
5 with the PBM, correct?

17:22:34

6 MR. ALEXANDER: Objection to form.

7 Objection to scope.

8 THE WITNESS: It's my understanding that  
9 the TPP pays the PBM based on whatever the PBM says  
10 that the TPP owes.

17:22:37

11 BY MR. LEIB:

12 Q And how does the PBM know how much to  
13 charge the TPP?

14 MR. ALEXANDER: Objection to form.

15 Objection to scope.

17:22:40

16 THE WITNESS: So that's not something I  
17 have formed an opinion about. It's not something  
18 that's in my report.

19 BY MR. LEIB:

20 Q I'm asking if it's something you know. 17:22:42

21 A If it's something I know? I don't know.

22 Q Do you know how the PBM -- well, we'll get  
23 to that in a second.

24 Are there any other examples you can think  
25 of of a person or entity who reimbursed, in whole or

17:22:46

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1       you say "For example, restricting the plan type to       17:30:48  
2       'Commercial,'" the other two types that you -- it is  
3       really an example, because you also rely on union  
4       and Medicare Part D, correct?

5             A     Correct.                                       17:30:53

6             Q     But you don't put in your report that  
7       you're relying on union and Medicare Part D values,  
8       correct?

9             A     No, that -- yeah. That sentence is not in  
10       here.   17:30:57

11            Q     Why didn't you include that in the report?

12            A     I guess I was just providing an example  
13       that that particular variable is pretty  
14       straightforward. And as the Dymon declaration  
15       states, the values that are in the data are kind of       17:31:00  
16       the common, everyday understanding of what the --  
17       what those words mean. So I didn't think I needed  
18       to really list every single option.

19            Q     But based on looking at your report alone  
20       and the Dymon -- strike that.                           17:31:06

21                   Based on looking at your report and the  
22       Dymon declaration, I could not know what you used as  
23       values in the field "plan type" to figure out what  
24       transactions to include, correct?

25            A     I'm sorry. Based on my report and the       17:31:11



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1           Q    We're unaware of any queries having been           17:33:29  
2           produced relating to the 2015 data. And you  
3           produced those?

4           MR. ALEXANDER: Counsel, it's something we  
5           can take under advisement. I don't believe the           17:33:32  
6           witness is in a position to respond to that  
7           otherwise.

8           BY MR. LEIB:

9           Q    What queries did you run on the 2015 data?

10          A    That's -- sitting here today, I cannot           17:33:35  
11          give you a list of all the queries I ran on the 2015  
12          data.

13          As we go through the report, I might be  
14          able to tell you certain things that I've looked at  
15          using the 2015 data. But sitting here right now --           17:33:40  
16          I've been working on this case for a while. I ran  
17          quite a few tests.

18          Q    You said you -- you ran queries -- you ran  
19          queries on it. You said you used it to test certain  
20          queries.   17:33:46

21          What do you mean by "test certain  
22          queries"?

23          A    I used it to look at the variables that  
24          would be available in Walgreens' data.

25          For example, we were just talking about           17:33:50



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1 transaction in the Walgreens data and what the TPP 17:40:40  
2 paid.

3 Q What the TPP paid to whom?

4 A To the PBM.

5 Q And to make sure a Medicare Part D 17:40:43  
6 beneficiary is included, do you know what fields you  
7 would need in the data that was produced by the  
8 relevant PBMs?

9 A If the -- yeah. I don't know what --  
10 again, what the field would be called. 17:40:47

11 But if they have fields that identify  
12 whether it was federally funded, whether it was  
13 Medicaid, Medicare, Medicare Part D, so that sort of  
14 information would -- the PBMs would have.

15 Also, that's in Walgreens' data. But the 17:40:52  
16 PBMs should have that data as well.

17 Q Paragraph 63, you refer to the data field

18 [REDACTED]

19 Do you see that?

20 A Yes. 17:40:56

21 Q And that field that you're referring to is  
22 a field in Walgreens' data.

23 Do you see that?

24 A Yes.

25 Q And you say that it's a way to determine, 17:40:58

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1 quote, "whether the adjudicating PBM used U&C prices 17:40:59  
2 in the adjudication process."

3 Do you see that?

4 A Yes.

5 Q Do you agree that the value in the [REDACTED] 17:41:02

6 [REDACTED] field in the

7 Walgreens data is the value returned by the PBM

8 adjudicating the transaction?

9 A I believe that's right. Yes. Yes.

10 Q That is not a value determined by 17:41:06

11 Walgreens, correct?

12 A Yes.

13 Q Do you agree that all this field indicates

14 is [REDACTED]

15 [REDACTED]? 17:41:09

16 MR. ALEXANDER: Objection to form.

17 THE WITNESS: It indicates that the U&C  
18 was used to adjudicate that particular transaction.

19 BY MR. LEIB:

20 Q Well, "used to adjudicate that particular 17:41:13

21 transaction" could mean many things. It could mean

22 it was used to tell how much the consumer should pay

23 Walgreens, correct? That's one thing adjudication

24 is.

25 MR. ALEXANDER: Objection to form. 17:41:18

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1 Objection to scope.

17:42:25

2 THE WITNESS: Yes. I don't know what goes  
3 into determining what those ultimate prices will be.

4 BY MR. LEIB:

5 Q And you don't know how the pharmacy  
6 benefit manager determines how much to charge the  
7 TPP for that transaction, correct?

17:42:27

8 MR. ALEXANDER: Same objection.

9 THE WITNESS: That's right. I don't know  
10 all the factors that go into determining what the  
11 ultimate --

17:42:30

12 BY MR. LEIB:

13 Q So getting back to the question, in  
14 paragraph 63, you talk about [REDACTED]

15 [REDACTED] 17:42:34

16 [REDACTED]

17 What is your understanding that [REDACTED]  
18 [REDACTED] field reflects? And  
19 feel free to refer to Figure 1.

20 A My understanding is that it reflects 17:42:38

21 transactions -- [REDACTED] it's the  
22 transaction [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED]

25 Q That's "lower of" logic, sometimes called 17:42:42

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1 "lesser of" logic, correct?

17:42:43

2 A That's right.

3 Q And "lower of" logic is just, if there's

4 multiple different variables for how a drug might be

5 priced, it's priced by the lowest of those

17:42:47

6 variables, correct?

7 A Correct.

8 Q Do you know who "lower of" logic is

9 applied to in the adjudication process?

10 In other words, going back to Figure 1, is

17:42:51

11 it applied to how much the TPP pays the PBM, how

12 much the PBM pays Walgreens, or how much the

13 consumers pays Walgreens, or all three? What is

14 your understanding?

15 MR. ALEXANDER: Objection to form.

17:42:56

16 Objection to scope.

17 THE WITNESS: I don't have an

18 understanding of that.

19 BY MR. LEIB:

20 Q Do you have an understanding of, when

17:42:57

21 [REDACTED]

22 [REDACTED] whether

23 that means that the consumer paid Walgreens, with

24 U&C being a consideration in that payment?

25 A I guess I would say that a transaction

17:43:02

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1 being adjudicated with U&C, my assumption is it 17:43:02  
2 would apply to the whole transaction. But that's  
3 really a liability question or issue.

4 Q Is it a liability issue? If it's in your  
5 report and it's a basis for how you -- your 17:43:07  
6 methodology was created, isn't it more than just a  
7 liability issue? Isn't it an issue for class  
8 determination, who's in the class, and damages?

9 MR. ALEXANDER: Objection to form.  
10 Argumentative. 17:43:11

11 MR. LEIB: I'm not arguing with the  
12 witness. I'm just asking the witness her  
13 understanding.

14 MR. ALEXANDER: Same objection.

15 THE WITNESS: My understanding is that 17:43:14  
16 that field, as I said earlier, indicates that U&C  
17 was used to adjudicate that claim using the "lesser  
18 of" logic.

19 The assumption is that would apply, you  
20 know, to the whole claim. Like I said, I think 17:43:18  
21 that's a liability issue. I was asked to assume  
22 liability.

23 BY MR. LEIB:

24 Q Well, if it's a liability issue, why did  
25 you include it in your report? 17:43:22

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1 report, is "where the usual and customary price was 17:43:53  
2 a basis for the amount paid or reimbursed in  
3 connection with the purchase of such drug," correct?

4 A Yes.

5 Q And that's the part of the definition that 17:43:56  
6 you are attempting to discuss here in paragraph 63,  
7 correct?

8 A Yes.

9 Q And this is in a section that's  
10 Appendix B, identifying class members, correct? 17:43:59

11 A I believe so. Yes.

12 Q So if there's a [REDACTED] is it your  
13 understanding that that means that the consumer paid  
14 according to "lower of" logic, with U&C being one of  
15 the considerations in the "lower of" logic? 17:44:04

16 MR. ALEXANDER: Objection to form. The  
17 witness has now answered this question at least  
18 twice.

19 BY MR. LEIB:

20 Q You can answer. 17:44:07

21 A Can you either restate it, or I can read  
22 it off of the realtime?

23 Q So assuming there's [REDACTED]  
24 [REDACTED] field in the  
25 Walgreens data for a particular transaction, is it 17:44:11



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1 your understanding that that means that the consumer 17:44:11  
2 paid according to "lower of" logic, with U&C being  
3 one of the considerations in the "lower of" logic?

4 MR. ALEXANDER: Same objection.

5 THE WITNESS: I would say yes, that's my 17:44:16  
6 assumption.

7 BY MR. LEIB:

8 Q And assuming that there's a [REDACTED]  
9 [REDACTED] field in the  
10 Walgreens data for a particular transaction, is it 17:44:19  
11 your understanding that that means that the PBM paid  
12 Walgreens according to "lower of" logic, with U&C  
13 being one of the considerations in the "lower of"  
14 logic?

15 MR. ALEXANDER: Same objections. 17:44:23

16 THE WITNESS: Again, that's -- that's my  
17 assumption based on the fact that I was asked to  
18 assume liability.

19 BY MR. LEIB:

20 Q And assuming there's [REDACTED] 17:44:26  
21 [REDACTED] field in the  
22 Walgreens data for a particular transaction, is it  
23 your understanding that that means that the TPP paid  
24 the PBM according to "lower of" logic, with U&C  
25 being one of the considerations in the "lower of" 17:44:31

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1 logic?

17:44:31

2 MR. ALEXANDER: Same objection.

3 THE WITNESS: That's my assumption based  
4 on assuming liability.

5 MR. LEIB: We can take the lunch break.

17:44:33

6 How long would you like for lunch,  
7 Dr. Hilton?

8 MR. ALEXANDER: I'll defer to Dr. Hilton.

9 Do you need 30, 45 minutes?

10 MR. LEIB: That's what I'm asking.

17:44:36

11 MR. ALEXANDER: Which one would you  
12 prefer?

13 THE WITNESS: I'm sorry. What were the  
14 options? 30 or 45?

15 MR. LEIB: 30 or 45 would be normal

17:44:39

16 options. Anything in between is also fine.

17 Whatever you want.

18 THE WITNESS: Why don't we say -- I don't  
19 know -- 45. Is that --

20 MR. LEIB: 45. We'll come back on the  
21 record at 12:25 [sic] p.m.

17:44:42

22 THE WITNESS: Okay.

23 THE VIDEO OPERATOR: Off the record,  
24 12:41 p.m.

25 (Recess, 12:41 p.m. - 1:28 p.m.)

17:44:45

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1 | you're saying all you need is the Walgreens data. 17:46:02

2 And for the TPPs, you're saying you need both the

3 Walgreens and the -- and the fund -- and the PBM

|   |                |
|---|----------------|
| 4 | data, correct? |
|---|----------------|

|   |        |          |
|---|--------|----------|
| 5 | A Yes. | 17:46:06 |
|---|--------|----------|

6 Q And so in both cases, you need Walgreens'

|   |       |
|---|-------|
| 7 | data? |
|---|-------|

|   |        |
|---|--------|
| 8 | A Yes. |
|---|--------|

9 Q And if that transaction doesn't have [REDACTED]

10 [REDACTED] 17:46:08

11 field in the Walgreens data, do you exclude that

|    |              |
|----|--------------|
| 12 | transaction? |
|----|--------------|

13 MR. ALEXANDER: Objection to form.

14 THE WITNESS: No.

|    |              |          |
|----|--------------|----------|
| 15 | BY MR. LEIB: | 17:46:11 |
|----|--------------|----------|

|    |   |          |
|----|---|----------|
| 16 | Q | Why not? |
|----|---|----------|

17 A What I have done is I have determined,

```
18 using the 2015 sample, whether -- based on the bin
```

19      number, whether a particular PBM has ever

20 adjudicated the claim using a -- [REDACTED] has 17:46:15

21 adjudicated a claim based on U&C in the 2015 sample.

22            If they have, then I include all of that

23 PBM's information in my -- or transaction in my

|    |           |
|----|-----------|
| 24 | analysis. |
|----|-----------|

|    |   |  |          |
|----|---|--|----------|
| 25 | Q | The [REDACTED] is in Walgreens' data, correct? | 17:46:20 |
|----|---|--|----------|

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1 A Yes.

17:46:21

2 Q It's returned by the PBM, but it's found  
3 in the Walgreens data?

4 A This particular variable we're talking  
5 about, yes.

17:46:24

6 PBMs will also have an indicator for  
7 whether they adjudicated the claim based on U&C.  
8 But this particular variable we're talking about,  
9 yes, it's in the Walgreens data.

10 Q So which data do you look at to determine  
11 if a transaction -- let's just take consumers.

17:46:28

12 For consumers, I thought you just said you  
13 only look at the Walgreens data.

14 A That's right.

15 Q So if there's not [REDACTED] in the  
16 transaction, would you exclude it?

17:46:32

17 A No.

18 MR. ALEXANDER: Objection to form.

19 BY MR. LEIB:

20 Q Why not?

17:46:34

21 A So as I explained a minute ago, what I'm  
22 doing is, if a given bin is associated -- bin number  
23 is associated with [REDACTED] any time in the  
24 2015 sample in the Walgreens data, then the  
25 assumption is that all of its plans use U&C to

17:46:40

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1 adjudicate claims as one of the potential in the 17:46:41  
2 "lower of" logic.

3 Q If you find -- let me see if I understand  
4 this correctly, Dr. Hilton.

5 If you find [REDACTED] 17:46:44  
6 transaction for a consumer, you're assuming all  
7 [REDACTED] transactions use "lower of" logic, with U&C  
8 as a consideration in the "lower of" logic  
9 determination?

10 A Your question was if I find it in one 17:46:49  
11 transaction?

12 Q Yeah.

13 A Yeah. That's the assumption, although  
14 it's a mischaracterization of the data given that  
15 there are thousands of observations with [REDACTED] 17:46:52

16 But yes, that's the basic idea.

17 Q I'm just trying to understand because of  
18 what you said.

19 So how do you -- you make a determination  
20 based on looking at the data whether to apply -- 17:46:57  
21 whether [REDACTED] applies "lesser of" logic for all  
22 of the plans that they contract with, correct?

23 A I'm sorry. I lost you on part of that  
24 question. Do you mind repeating it?

25 Q Sure. 17:47:02

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1 BY MR. LEIB: 18:14:15

2 Q Do you recognize this query?

3 MR. ALEXANDER: I'm sorry, Counsel. I  
4 don't have it up yet. If you could just wait one  
5 moment. 18:14:18

6 Okay. Please proceed.

7 MR. LEIB: Just to be clear for the  
8 record, the highlighting is ours.

9 THE WITNESS: Okay. I'm sorry. Yes, I've  
10 reviewed it. 18:14:22

11 BY MR. LEIB:

12 Q What does this query reflect?

13 A Are you referring to a specific line in  
14 the code or just generally what this code is doing?

15 Q Generally, what is this code doing? 18:14:26

16 A I'm not familiar with the [REDACTED]  
17 coding, but basically this is -- it looks like it's  
18 combining [REDACTED]  
19 [REDACTED] into an index. But other than that,  
20 I can't tell you what the exact code is doing. 18:14:31

21 Q Did you work on this query?

22 A What do you mean by "work on"?

23 Q Well, your staff worked on the query,  
24 correct?

25 A That's right. 18:14:36

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1 Q Did you -- and they did so at your 18:14:36  
2 instruction, correct?

|   |   |      |
|---|---|------|
| 3 | A | Yes. |
|---|---|------|

4 Q Did you review the query before it was  
5 produced to us? 18:14:38

6                   A    No.  It's not my practice to review the  
7   code.

8 Q So do you understand that this code  
9 relates to finding a PSC price?

|    |   |  |          |
|----|---|--|----------|
| 10 | A | No, other than I see it's reading in PSC | 18:14:41 |
| 11 |   | data.                                    |          |

12 Q So the queries that you produced to us or  
13 that we received from counsel, you've never reviewed  
14 those before?

|    |                                   |          |
|----|-----------------------------------|----------|
| 15 | MR. ALEXANDER: Objection to form. | 18:14:45 |
|----|-----------------------------------|----------|

16 THE WITNESS: I wouldn't say I've never  
17 reviewed them. I've looked briefly at some code.

18                   The rest, I asked my staff explain to me  
19       what this code is doing. They'll walk me through  
20       it. Or we just talk about it in words rather  
21       than -- I don't look at the code.

22 BY MR. LEIB:

```
23         Q   Do you have any experience with code
24     yourself?
```

|    |                            |          |
|----|----------------------------|----------|
| 25 | A I do, but it's very old. | 18:14:52 |
|----|----------------------------|----------|

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1           Q    So it wouldn't translate. Like, Fortran           18:14:53  
2    isn't used anymore. So you wouldn't be able to  
3    create this code; is that correct?

4           MR. ALEXANDER: Objection to form.

5           THE WITNESS: Yeah. I did Fortran back --           18:14:57  
6    for my dissertation, back 20-something years ago.  
7    And I also used to code in Saas, but it's been a  
8    long time.

9    BY MR. LEIB:

10          Q    Are you able to read this code?           18:15:01

11          A    This particular code, no. Generally I can  
12    read code, but like I said, I don't know what the  
13    [REDACTED] means here.

14          MR. LEIB: We can take a break.

15          MR. ALEXANDER: Okay. If I can just           18:15:05  
16    ask -- this is about a 15-minute break, please.

17          MR. LEIB: You want a 15-minute break?

18          MR. ALEXANDER: Yes. Thank you, Counsel.

19          MR. LEIB: You want to keep me here late,  
20    huh? You want to make me tired? No worries.           18:15:09

21          MR. ALEXANDER: It's already pretty late.  
22    We're already down that road, unfortunately.

23          MR. LEIB: 15 minutes.

24          MR. ALEXANDER: Thank you.

25          THE VIDEO OPERATOR: Off the           18:15:13



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1 in paragraph 7 of my report, states that "I was 18:41:57  
2 asked to develop a formulaic methodology that can  
3 identify and calculate overpayments by plaintiffs  
4 and class members as a result of Walgreens' failure  
5 to report or otherwise include PSC prices when 18:42:01  
6 determining the U&C price to report for PSC  
7 generics."

8 And then there's a second part to that  
9 involving the unjust enrichment.

10 And then I state in my report, "I have 18:42:06  
11 developed and present below illustrative  
12 calculations." I state that in paragraph 9.

13 BY MR. LEIB:

14 Q Why only illustrative?

15 Let me ask you a different question. 18:42:10

16 You have all the data you need to figure  
17 out all of the alleged overpayments for the  
18 individual named consumer plaintiffs, correct?

19 A No.

20 Q According to your methodology, you need 18:42:13  
21 Walgreens' data, correct?

22 A Yes.

23 Q You need the PSC transactional claims  
24 data, correct?

25 A Yes. 18:42:16

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1 Q You need the ESI formularies, correct? 18:42:17

2 A Yes.

3 Q You need the Connecticut reconciliation  
4 data, correct?

5 A Yes. 18:42:19

6 Q And those four pieces of information, you  
7 have complete sets of those, correct?

8 A No.

9 Q You only have it up to 2019, correct?

10 A That's correct. 18:42:23

11 Q Did you figure out all individual consumer  
12 plaintiff alleged overpayments up through 2019 -- up  
13 until -- I'm sorry -- through 2019?

14 MR. ALEXANDER: Objection to form.

15 THE WITNESS: Sorry. I'm just rereading 18:42:28  
16 the question.

17 Did I figure out all -- no. No. That  
18 wasn't something I was asked to do. I was just  
19 asked to develop a methodology, and I was showing  
20 that the methodology worked by providing an 18:42:32  
21 illustrative example.

22 BY MR. LEIB:

23 Q So it looks like you provided at least one  
24 example for every state that the person might be a  
25 class representative of; is that correct? 18:42:36

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1 A I believe that was the intent.

18:42:36

2 Q That was the instruction from counsel,  
3 correct?

4 A Yes.

5 Q And you believe you have more transactions  
6 than these, in which there are overpayments up until  
7 and through 2019, that you've identified?

18:42:39

8 MR. ALEXANDER: Objection to form.

9 THE WITNESS: Yes, I believe that to be  
10 the case.

18:42:42

11 BY MR. LEIB:

12 Q And you don't know whether it was for  
13 Ms. Bullard, Mr. Gonzales, or Ms. Russo?

14 A Sitting here today, I don't know. I  
15 obviously have that information. I just don't have  
16 it memorized.

18:42:46

17 Q Did you provide that information, all of  
18 the alleged overpayments that you know with regard  
19 to the individual named consumer plaintiffs, to  
20 counsel?

18:42:50

21 A I believe I did.

22 Q And who decided which examples would go in  
23 your report, you or counsel?

24 A I believe there was back-and-forth on  
25 that.

18:42:54

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1 Q Who ultimately made the decision?

18:42:54

2 A I believe based on the data that I would  
3 have (inaudible).

4 THE REPORTER: I'm sorry. I didn't hear  
5 you. "Based on the data that I would have..."?

18:42:56

6 THE WITNESS: I would have determined  
7 which ones were the best examples of the  
8 methodology.

9 BY MR. LEIB:

10 Q What makes something a good example or a  
11 best example? Because those are the two words you  
12 used.

18:42:57

13 A I would say the data are populated, you  
14 know, in the Walgreens data less -- for lack of a  
15 better word -- messy, cleaner data, more populated  
16 data, that sort of thing.

18:43:02

17 Q What is messy data?

18 A Messy data, they are data that -- some of  
19 these data are hand-entered, and so there might be a  
20 typo. For example, the NDCs had leading zeros where  
21 normally they wouldn't have leading zeroes. Those  
22 sorts of things.

18:43:07

23 It's very common in data of this sort, and  
24 it's a common thing to have to go through and  
25 standardize those things.

18:43:12

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1 Q Clean the data? 18:43:12

2 A Clean the data.

3 Q And, in fact, you did that, right?

4 A Yes.

5 Q Tell me how you cleaned the data. 18:43:15

6 A Do you have a particular field in mind or  
7 data in mind that you're asking specifically about?

8 Q Let's use the NDC data field.

9 A Okay. So NDCs are generally an 11-digit  
10 number. Very common. All the pharmaceutical data 18:43:20  
11 that I've worked with, manufacturers will leave off  
12 certain leading zeros, or sometimes they'll include  
13 zeros when there shouldn't be zeros. Those sorts of  
14 things.

15 So that was the basic cleaning that I did 18:43:37  
16 on NDC, was to just make those uniform, 11 digits  
17 long.

18 Q How did you do that?

19 A There are various lines in the code that  
20 look for zeros and take them out. That sort of -- 18:43:55  
21 it's basically looking at the string of numbers and  
22 taking out the first X number of zeros. That sort  
23 of thing.

24 Q And that's something you accomplished with  
25 your queries? 18:44:11

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1 is the relevant PBM for this transaction? 18:56:02

2 MR. ALEXANDER: Objection to form. Asked  
3 and answered. And especially in light of counsel's  
4 tone, argumentative as well.

5 BY MR. LEIB: 18:56:17

6 Q You can answer.

7 A So again, as I stated, I give several  
8 options for how the data can be used to identify the  
9 PBM.

10 Like I said, there's -- relevant PBMs can 18:56:38  
11 turn over data. I think this is a special case of a  
12 relevant PBM turning over data. That's the  
13 Walgreens data that matches the PBM data. So I  
14 believe that that falls under that sentence.

15 Q You think I can use your report as a road 18:56:55  
16 map to figure out how you determined that CastiaRx  
17 is the relevant PBM for the Russo transaction?

18 MR. ALEXANDER: Same objections.

19 THE WITNESS: I don't know if I would call  
20 it a road map, but I do list that as a possible way 18:57:11  
21 to do it.

22 BY MR. LEIB:

23 Q Where do you list it? What do you say in  
24 paragraph 62 that tells me this?

25 MR. ALEXANDER: Same objections. 18:57:19

1 I, the undersigned, a Certified Shorthand  
2 Reporter of the State of California, do hereby  
3 certify:

4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth;  
6 that any witnesses in the foregoing proceedings,  
7 prior to testifying, were administered an oath; that  
8 a record of the proceedings was made by me using  
9 machine shorthand which was thereafter transcribed  
10 under my direction; that the foregoing transcript is  
11 a true record of the testimony given.

12 Further, that if the foregoing pertains to  
13 the original transcript of a deposition in a Federal  
14 Case, before completion of the proceedings, review  
15 of the transcript [ ] was [x] was not requested.

16 I further certify I am neither financially  
17 interested in the action nor a relative or employee  
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date  
20 subscribed my name.

21  
22 Dated: January 23, 2023

23 Carla Soares

24  
25 CARLA SOARES

CSR No. 5908